

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUN 30 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TATSUZO ISHIDA,
YICHI HATTORI and HOSHIHIRO KUROKI

Application 09/646,849

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed September 22, 2000. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their

submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, section 1208 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 2, May 2004) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

The Examiner's Answer mailed August 26, 2004 does not comply with the above requirement.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for consideration of the IDS filed September 20, 2000 and appropriate notification to appellants regarding the Primary Examiner's decision;
2. for taking corrective action in the Examiner's Answer mailed August 26, 2004, regarding the appeals conference; and

Application 09/646,849

3. for such further action as may be appropriate.

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